

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 23, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF#11MD-096

Maui

Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display, Honolua, Lahaina, Maui, Tax Map Key:(2) 4-2-004: seaward of 015.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc. whose business and mailing address is P.O. Box 1244, Keaau, Hawaii 96749.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolua, Lahaina, Maui identified by Tax Map Key: (2) 4-2-004: seaward of 015, as shown on the attached Tax map labeled Exhibit (A). Also, refer to the attached overview map of the subject area, which was provided by Hawaii Explosives & Pyrotechnics, Inc. labeled Exhibit (B).

AREA:

1,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State constitution: NO x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 10:00 a.m. to 11:45 p.m. on July 9, 2011.

RENTAL:

\$100.00 (Rental based on \$.10 per square feet per day). Total area of requested use is 1,000 square feet.

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for fireworks display in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

No comments were solicited from government or community agencies.

Hawaii Explosives & Pyrotechnics, Inc. is requesting a right-of-entry permit for the Pyro Beach Fireworks Display. The event is scheduled for July 9, 2011. Set up will start at 10:00 a.m. and breakdown by 11:45 p.m. The fireworks display will run for approximately 5 to 10 minutes.

The proposed activity is of a similar type and scope for fireworks display activities that historically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Based on discussion with Mr. Clifford Naeole, Cultural Advisor for The Ritz-Carlton, Kapalua Hotel, staff is recommending the following conditions must be complied with to prevent any potential negative impacts to the nearby Honokahua Preservation Site:

1. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by the Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
2. Hawaii Explosives & Pyrotechnics, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
3. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.

Hawaii Explosives & Pyrotechnics, Inc. has been informed of Mr. Naeole's conditions and will comply with them.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject area for aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by The Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
 - c. Hawaii Explosives & Pyrotechnics, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
 - d. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.
 - e. Review and approval by the Department of the Attorney General; and
 - f. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:

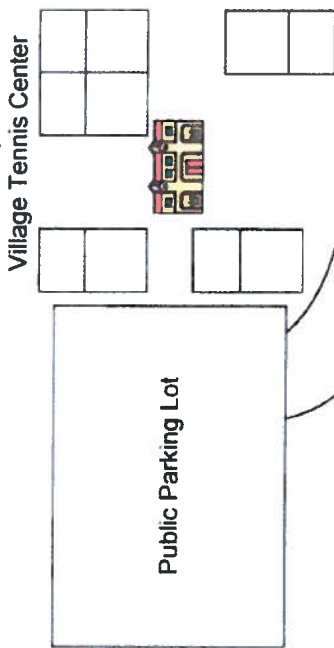


William J Aila Jr., Chairperson

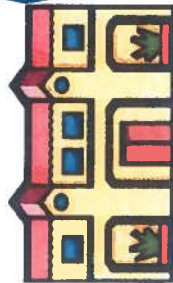
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Display Firing Site Location Map
Pyrotech Beach Fireworks Display

Display Date: Saturday, July 9, 2011
Display Location: Beach area adjacent to Beach House Lawn
fronting Flemings Beach Park
Firing Time: 8:30 p.m. (firing window of 8:00 p.m. to 9:00 p.m.)



Ritz Carlton Kapalua Hotel



Swimming Pool

Stephanie Pascual – COF# O-363 Benjamin Pascual – COF# O-323

Legend:
S = Security
FX = Fire Extinguisher

OCEAN

3" largest diameter shell- Minimum distance required with 1/3 offset is 187'
Mortars angled toward ocean 30°



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 23, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Hawaii Explosives & Pyrotechnics Inc.

Project / Reference No.: PSF#11MD-096

Project Location: Honolua, Lahaina, Maui, TMK: (2) 4-2-004: seaward of 015, fronting Flemings Beach Park.

Project Description: Aerial Fireworks Display for July 9, 2011

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that state "Operations, repairs or maintenance of existing structures, facilities equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

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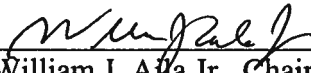
EXHIBIT "C"

Consulted Parties:

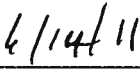
None

Recommendation:

That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Alfa Jr., Chairperson



Date